

REMARKS

The claims are 17-26, with claim 17 being the sole independent claim. Claims 1-16 have been cancelled without prejudice or disclaimer. Support for claims 17-26 may be found throughout the specification, particularly in previously pending claims 1-16.

Cancellation of claims 1-16 renders the rejections in the outstanding Office Action moot. However, Applicants will address the rejections to the extent that they apply to the pending claims.

Previously pending claims 1-10 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Seo et al. (WO 01/87345 A1, 2001,) in view of Cho et al. (WO 2004/022036 A1, 2004). Previously pending claims 11 and 12 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Seo et al. (WO 01/87345 A1, 2001) in view of Cho et al. (WO 2004/022036 A1, 2004) as applied to claims 1-10, in further view of Giovanella et al. (2002/0107260, 2002) and Grochow et al. (Drug Metabolism and Disposition 1992; 20: 706-713). Applicants respectfully traverse these rejections.

The Examiner bases the Section 103 rejection on the contention that modification of the polymer allegedly taught by Seo to comprise a sulfonic acid group allegedly taught by Cho would enhance “the core’s affinity to *water-insoluble* drugs.”

As noted throughout the subject specification, and as now recited in Claim 17, the present invention is directed to polymeric micelle complexes of topotecan hydrochloride, which is a *water soluble* bioactive agent. Accordingly, Applicants respectfully submit that Seo or Cho, whether considered alone, or in combination with any of the cited references, fail to render the present invention unpatentable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the subject application is in condition for allowance. Applicants believe that they have addressed each of the Examiner's concerns and met each of the objections. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.

Respectfully submitted,

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